

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 186

AN ACT

To repeal sections 59.041, 59.042, and 483.015, RSMo, and to enact in lieu thereof three new sections relating to recorders of deeds and other county offices.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 59.041, 59.042, and 483.015, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be
3 known as section 59.041, 59.042, and 483.015, to read as follows:

4 59.041. 1. Notwithstanding the provisions of this chapter
5 or chapter 478, RSMo, or any other provision of law in conflict
6 with the provisions of this section, in any county which becomes
7 a county of the second class after September 28, 1987, and
8 wherein the offices of circuit clerk and recorder of deeds are
9 combined, such combination shall continue until the governing
10 body of the county authorizes the separation of the offices as
11 provided in section 59.042.

12 2. [Notwithstanding the provisions of this chapter or
13 chapter 478, RSMo, or any other provision of law in conflict with
14 the provisions of this section, in any county of the third
15 classification without a township form of government and having a

1 population of more than twenty-seven thousand six hundred but
2 less than twenty-eight thousand six hundred and wherein the
3 offices of the district I circuit clerk and recorder of deeds are
4 combined, the circuit court shall appoint such circuit clerk ex
5 officio recorder of deeds. The circuit court may recommend to
6 the governing body of such county whether the combined offices of
7 the district I circuit clerk and recorder of deeds should be
8 separated pursuant to subsection 1 of section 59.042; provided
9 however, that if the governing body of such county authorizes the
10 separation of offices and notwithstanding the provisions of
11 subsection 2 of section 59.042, the office of district I clerk of
12 the circuit court shall remain appointed by the circuit court.]

13 Each county in which the circuit clerk ex officio recorder of
14 deeds was appointed to office before August 28, 2003, shall place
15 the office on the ballot at the general election in November
16 2006, and the person elected at the general election shall be the
17 circuit clerk ex officio recorder of deeds of the county until a
18 successor is elected and qualified pursuant to section 483.015,
19 RSMo. The person in such office on August 28, 2003, shall
20 continue to hold office until a successor is elected and
21 qualified pursuant to this subsection unless sooner removed. In
22 the event that the county separates the offices of circuit clerk
23 and recorder of deeds before the general election in November
24 2006, the person in office at the time of the separation shall
25 continue to perform the duties of the offices until a successor
26 is elected and qualified for each office pursuant to this
27 section, section 59.020, and section 483.015, RSMo, unless sooner
28 removed.

1 59.042. In any county where the offices of clerk of the
2 circuit court and the recorder of deeds are combined, the
3 governing body of said county, by public vote, may authorize the
4 separation of the two offices. In all counties where the offices
5 are separated after August 28, 2003, the qualified voters shall
6 elect a separate recorder of deeds at the next general election.
7 Thereafter, the recorder of deeds shall be elected pursuant to
8 section 59.020.

9 483.015. 1. At the general election in the year 1982, and
10 every four years thereafter, except as herein provided and except
11 as otherwise provided by law, circuit clerks shall be elected by
12 the qualified voters of each county and of the city of St. Louis,
13 who shall be commissioned by the governor, and shall enter upon
14 the discharge of their duties on the first day in January next
15 ensuing their election, and shall hold their offices for the term
16 of four years, and until their successors shall be duly elected
17 and qualified, unless sooner removed from office.

18 2. The court administrator for Jackson County provided by
19 the charter of Jackson County shall be selected as provided in
20 the county charter and shall exercise all of the powers and
21 duties of the circuit clerk of Jackson County. The director of
22 judicial administration and the circuit clerk of St. Louis County
23 shall be selected as provided in the charter of St. Louis County.

24 3. When provision is made in a county charter for the
25 appointment of a court administrator to perform the duties of a
26 circuit clerk or for the appointment of a circuit clerk, such
27 provisions shall prevail over the provisions of this chapter
28 providing for a circuit clerk to be elected. The persons

1 appointed to fill any such appointive positions shall be paid by
2 the counties as provided by the county charter or ordinance;
3 provided, however, that if provision is now or hereafter made by
4 law for the salaries of circuit clerks to be paid by the state,
5 the state shall pay over to the county a sum which is equivalent
6 to the salary that would be payable by law by the state to an
7 elected circuit clerk in such county if such charter provision
8 was not in effect. The sum shall be paid in semimonthly or
9 monthly installments, as designated by the commissioner of
10 administration.

11 4. The circuit clerk in the sixth judicial circuit and in
12 the seventh judicial circuit shall be appointed by a majority of
13 the circuit judges and associate circuit judges of the circuit
14 court, en banc. The circuit clerk in those circuits shall be
15 removable for cause by a majority of the circuit judges and
16 associate circuit judges of such circuit, en banc, in accordance
17 with supreme court administrative rules governing court
18 personnel. This subsection shall become effective on January 1,
19 2004, and the elected circuit clerks in those circuits in office
20 at that time shall continue to hold such office for the remainder
21 of their elected terms as if they had been appointed pursuant to
22 the terms of this subsection.

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1 John Cauthorn

Brian Munzlinger